UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,268	05/25/2006	Simone Bizzarri	09952.0040	2575

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EXAMINER
GEBRESILASSIE, KIBROM K

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2011*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22,24-31,33-39,41 and 42* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *22,24-31,33-39,41 and 42* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

This communication is responsive to amended application filed on 06/30/2011.

Claim 40 has been canceled. Claims 22, 24-31, 33-39, and 41-42 remain

pending in this application.

Response to Arguments

Applicant's amendment relating 35 USC § 112, second paragraph, rejection is

considered and therefore the rejection is withdrawn.

Applicant's amendment relating to 35 USC § 101 rejection is considered and

therefore the rejection is withdrawn.

Applicant's argument relating to art rejection is not persuasive.

<u>Argument:</u>

Applicant's argued the references fails to disclose "selectively associating, using

a computer, at least one of the plurality of simulated network users with at least one

quality of service profile".

<u>Response:</u>

Examiner respectfully disagrees. Talpade et al discloses map each application to

a class of traffic based on the QoS criteria of the application, wherein application may

include voice over IP, the ISP administrator may provide the identified class of traffic,

source models, and QoS criteria, along with information about the topology of network

to the simulator (See: paragraph [0024]) which is equivalent to selectively associating

the simulated network with the profile.

Argument:

Applicant's argued the references, whether taken alone or in combination, fail to disclose or suggest "dynamically varying the services to the at least one simulated network user, using the computer, by setting values different parameters defining the at least one quality of service profile associated with the at least one simulated network user".

Response:

Examiner respectfully disagrees. Taplade et al discloses "the network model (i.e. simulated network) and the source models are determined, the ISP administrator may configure the simulation environment in simulator, the ISP administrator may also select variables for each simulation run, the simulation variable may varied as part of the simulation, including the number of connection for each class of traffic, the link capacity or the buffer size (i.e. parameters)" (See: paragraph [0037]). The recited variables (i.e. parameters) are used for evaluating the quality of service of the network model and therefore "defined".

Argument:

Applicant's argued neither the cited portions, nor Taplade et al as a whole, teach or suggest that Taplade's simulator receives any information specifically identifying a simulated network user (See" Remarks pg. 11 first paragraph).

Response:

Examiner respectfully disagrees. It is noted that the features upon which applicant relies (i.e., identifying a simulated network user) are not recited in the rejected

claims. Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims.

In any case, applicant specification does not provide a clear definition of a

"simulated network user". Therefore, the broadest reasonable interpretation of

"simulated network user" is simply a network recited in Fig. 1 of Taplade et al and

therefore disclosed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
       obviousness or nonobviousness.

Claims 22, 24-31, 33-39, and 41-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Publication No. 2002/0145982 issued to Talpade et al with US

Publication No. 2004/0032857 issued to Tannan et al.

a.   As per Claims 1-21 (Cancelled).

b.   As per Claim 22, Talpade et al discloses a method, implemented using a

computer system comprising:

a processor and a memory, for simulating a communications network

through objects that model respective network devices (See: Fig. 1, system 150),

comprising the steps of:

Simulating, using the computer, through said objects the supply of network

services to a plurality of simulated network users See: Fig. 1, network 100)

according to respective quality of service profiles (See: paragraph [0021], data

entered or received by input device provided to simulator which then simulates

the traffic transported through network 100, the output simulator include QoS

mechanism and parameter values), wherein the simulating comprising:

Selectively associating, using the computer, at least one of the plurality of

simulated network users at least one quality of service profile (See: paragraph

[0024, map each application to a class of traffic based on the QoS criteria of the

application, application may include voice over IP);

selectively identifying, using the computer, for each of said objects, at

least one quality of service profile (See: [0023], identifying the desired class of

traffic to be transported by network 100, source model for each class of traffic,

and the respective QoS criteria for each class of traffic); and

dynamically configuring said objects, using the computer, to simulate the

supply of the service to the at least one of the plurality of simulated network

users corresponding to said selectively identified quality of service profile (See:

paragraph [0025], simulator then simulate the classes of traffic and determine

QoS mechanisms based on the simulation); and

dynamically varying the services to the at least one simulated network

user, using the computer, by setting values of different parameters defining the at

least one quality of service profile associated with the at least one simulated

network user (See: paragraph [0038], the ISP administrator may allocate one or

more resources in network 100 as follows, first simulation rate of 1.5Mbps and a

bucket depth of 20 packets, second simulation rate of 1.5Mbps and a bucket

depth of 100 packets which is analogous to varying the service),

wherein the steps are applied for simulating networks (See: paragraph

[0025], simulator then simulate the classes of traffic and determine QoS

mechanisms based on the simulation).

Talpade et al discloses simulating network (See: paragraph [0021], data

entered or received by input device provided to simulator which then simulates

the traffic transported through network 100). However, Talpade et al does not

expressly disclose whether the simulating network comprising a plurality of

mobile terminals cooperating with a blocks or network devices, and wherein the

simulated network user comprises one of the plurality of mobile terminals.

Tannan disclose the simulating network comprising a plurality of mobile

terminals cooperating with a blocks or network devices, and wherein the

simulated network user comprises one of the plurality of mobile terminals (See:

Fig. 1 #102, virtual representation is configured to represent a global system for mobile communication "GSM" network 104 comprising nodes and base stations).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Tannan et al with the teaching of Talpade et al because both references drawn to simulate a network that carry a traffic. The motivation to include the teaching of Tannan et al with the teaching of Talpade et al would be to achieve a consistent quality of service when transporting data over a network.

c.   As per Claim 23, Canceled.

d.   As per Claim 24, Talpade et al discloses the method according to claim 22, further comprising the steps of: performing at least one simulation, using the computer, in which every user uses a different service from that used by other users of said plurality (See: paragraph [0021], data entered or received by input device provided to simulator which then simulates the traffic transported through network 100).

e.   As per Claim 25, Talpade et al discloses the method according to claim 22, wherein the steps are applied, using the computer, for simulating networks comprising mobile terminals, said quality of service profile comprising parameters chosen from the group of: traffic class (See: Fig. 3, traffic class requirement), maximum transfer time of a data unit (See: par [0023], amount of time the traffic is on or off), guaranteed transfer speed for data transmitted by mobile terminal toward the network (See: par [0028], available bandwidth), maximum transfer speed for data transmitted from mobile terminal toward the network (See: par

[0028], sufficient bandwidth), guaranteed transfer speed for data transmitted by

the network toward a mobile terminal (See: par [0028], available bandwidth), and

maximum transfer speed for data transmitted by the network toward a mobile

terminal (See: par [0028], sufficient bandwidth).

f.   As per Claim 26, Talpade et al discloses the method according to claim

22, wherein the steps are applied, using the computer, for simulating networks

comprising mobile terminals connected through radio interfaces, comprising

respective control modules of calls, the method comprises the step of directly

sending said parameter from said control module of the mobile terminal toward

the control module in view of the forwarding of said parameter to modules of the

related radio interfaces that start the connection according to the type of service

pointed out in said parameter (See: paragraph [0028], paragraph [0030], when

the first customer site wishes to communicate with another customer site, the first

customer site may send to the admission controller a request for connection

based on the determined QoS mechanisms, their associated parameters, and

the determined multiplexing gain, the admission controller may configure one or

more of the nodes).

Talpade et al does not expressly disclose a switching centre.

Tannan et al discloses switching centre (See: Fig. 3, circuit switching call

generator 302 and packet switched call generator 304).

It would have been obvious to one of ordinary skill in the art to combine

the teaching of Tannan et al with the teaching of Talpade et al because both

references drawn to simulate a network that carry a traffic. The motivation to include the teaching of Tannan et al with the teaching of Talpade et al would be to vary the packet size based on the application being simulated.

g.   As per Claim 27, Talpade et al discloses the method according to claim 22, wherein the steps are applied, using the computer, for simulating networks comprising mobile terminals connected through radio interfaces to a network node, said mobile terminals and said network node comprising respective modules for managing the mobile terminal session and for managing the support node session, the method comprises the step of directly sending said parameter from said module for managing the mobile terminal session toward said module for managing the support node session in view of the forwarding of such parameter to the modules of the related radio interfaces that start the connection according to the type of service pointed out in said parameter (See: paragraph [0028], paragraph [0030], when the first customer site wishes to communicate with another customer site, the first customer site may send to the admission controller a request for connection based on the determined QoS mechanisms, their associated parameters, and the determined multiplexing gain, the admission controller may configure one or more of the nodes).

Talpade et al does not expressly disclose packet switching call.

Tannan et al discloses packet switching call (See: Fig. 3, circuit switching call generator 302 and packet switched call generator 304).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Tannan et al with the teaching of Talpade et al because both references drawn to simulate a network that carry a traffic The motivation to include the teaching of Tannan et al with the teaching of Talpade et al would be to vary the packet size based on the application being simulated.

h.   As per Claim 28, Talpade et al discloses the method according to claim 22, wherein the steps are applied, using the computer, for simulating networks comprising mobile terminals cooperating with blocks responsible for starting the connection, wherein, in case of simulation of a call originated from a terminal, said parameter is specified by said terminal to said blocks during the procedure for starting the connection (See: paragraph [0028], paragraph [0030], when the first customer site wishes to communicate with another customer site, the first customer site may send to the admission controller a request for connection based on the determined QoS mechanisms, their associated parameters, and the determined multiplexing gain, the admission controller may configure one or more of the nodes).

i.   As per Claim 29, Talpade et al discloses the method according to claim 22, wherein the steps are applied, using the computer, for simulating networks comprising mobile terminals cooperating with blocks responsible for starting the connection, wherein, in case of simulation of a terminated call toward a determined network terminal, comprises the step of taking said parameter from the terminal object of the call, said taking step being performed by said blocks

responsible for starting the connection (See: paragraph [0028], paragraph [0030],

when the first customer site wishes to communicate with another customer site,

the first customer site may send to the admission controller a request for

connection based on the determined QoS mechanisms, their associated

parameters, and the determined multiplexing gain, the admission controller may

configure one or more of the nodes).

j.   As per Claim 30, Talpade et al discloses the method according to claim

22, wherein the steps are applied, using the computer, for simulating networks

comprising mobile terminals cooperating with network devices, comprising, in

case of simulation of a terminated call on a mobile terminal, the step of sending

the indication of connection start beginning from simulated network devices

omitting the indication of what quality of service profile to use and obtaining said

profile from the mobile terminal to which the call is directed (See: paragraph

[0028], paragraph [0030], when the first customer site wishes to communicate

with another customer site, the first customer site may send to the admission

controller a request for connection based on the determined QoS mechanisms,

their associated parameters, and the determined multiplexing gain, the admission

controller may configure one or more of the nodes).

k.   As per Claim 31, the instant claims recite substantially same limitation as

the above rejected claim 22, and therefore rejected under the same rationale.

l.   As per Claim 32, Canceled.

m.   As per Claims 33-39, the instant claims recite substantially same limitation

as the above rejected claims 24-30, and therefore rejected under the same

rationale.

n.   As per Claim 40, Canceled.

o.   As per Claims 41-42, the instant claims recite substantially same limitation

as the above rejected claim 22, and therefore rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KIBROM GEBRESILASSIE whose telephone number is

(571)272-8571. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kamini Shah can be reached on (571)272-2279. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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